

Amendments to the Drawings

The attached amended sheets 1/8, 3/8 and 6/8 of the drawings replace original sheet 1/8 showing Fig. 1, original sheet 3/8 showing Fig. 3 and original sheet 6/8 showing Fig. 6. In Figs. 1, 3 and 6, the legend "*high pressure introducing part*" has been replaced by "*High voltage introducing part*".

Attachment: New sheets 1/8, 3/8 and 6/8.

REMARKS

Amendments to the claims

The language of claim 1 and 6 has been corrected for clarity.

Claims 2 - 5 have been amended to recite an electron source "having an electron generating portion and an anode". This amendment is supported by the application as filed, for example Fig. 3 and the corresponding portion of the specification. Claims 2 - 5 have further been amended to recite: "*a magnetic superposition lens wherein ~~having~~ a magnetic field generating portion is disposed in the vicinity of the ~~an~~ electron generating portion of said ~~an~~ electron source ~~gun~~, so that a magnetic field is superposed with an electric field formed by said electron source at least from the electron generating portion to the anode as a component element of electron accelerating means, so as to produce from said electron source a focused electron beam with reduced electron beam loss amount by focusing the electrons while accelerating the electrons by said anode just after generating them from the electron generating portion*".

This amendment is supported by the application as filed, for example paragraph [0031] of the specification.

New claims 7-10 have been added to recite that "*the electron generating portion is an electron gun having an ultra-high vacuum electron chamber*" and that "*the magnetic field generating portion is disposed outside the ultra-high vacuum electron chamber*". The language of new claims 7-10 is supported by the application as filed, for example paragraphs [0035] and [0037] of the specification.

Applicants respectfully submit that all amendments to the claims have been conducted for clarity reasons only, and not for distinguishing over the prior art, as will appear from the arguments below.

Amendments to the drawings

The drawings have been corrected to replace, on the top-right corner of Figs. 1, 3 and 3, the legend "*high pressure introducing part*" by "*High voltage introducing part*". This correction is supported by the application as filed, for example paragraph [0004] of the specification.

Objections to the claims

Claims 1 and 6 stand objected to because of several language informalities. As per the suggestions of the Examiner, in claim 1, line 10 "*the above electron probe*" has been amended to recite "*the ~~above~~ electron probe*"; in claim 1, line 14, "*for allowing that alignment operation*" has been amended to recite "*for allowing ~~that~~ alignment operation*"; in claim 1, line 15, "*astigmatism correction be*" has been amended to recite "*astigmatism correction to be*". Claim 6 has been corrected, line 14, to recite "*a target element appropriate for generating ~~X-rays~~ X-rays*". Accordingly, Applicants respectfully request the Examiner to withdraw the above objection to the claims.

Rejection under 35 U.S.C. 102

Claims 2 and 4 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application No. 2001/0001010 to Wilkins. Applicants respectfully disagree.

Claim 2

In the Action, the Examiner asserts that Wilkins discloses an X-ray microscopic inspection apparatus having X-ray generating means, the apparatus "comprising a magnetic superposition lens having a magnetic field generating portion (fig. 5, #75) disposed in the vicinity of an electron generating portion of an electron gun (fig. 5, #70)". Applicants respectfully disagree, and note that claim 2 has been amended to define clearly the meaning of "vicinity" in claim 2. Applicants respectfully submit that

the Examiner has failed to show that Wilkins discloses an apparatus as recited in claim 2, and in particular having *"a magnetic superposition lens wherein a magnetic field generating portion is disposed in the vicinity of the electron generating portion of said electron source, so that a magnetic field is superposed with an electric field formed by said electron source at least from the electron generating portion to the anode as a component element of electron accelerating means, so as to produce from said electron source a focused electron beam with reduced electron beam loss amount by focusing the electrons while accelerating the electrons by said anode just after generating them from the electron generating portion"*.

At least in view of the above, Applicants submit that claim 2 is patentable over Wilkins.

Claim 4

Applicants note that the above arguments can be used to show that Wilkins does not disclose or suggest an apparatus as recited in claim 4, and in particular having *"a magnetic superposition lens wherein a magnetic field generating portion is disposed in the vicinity of the electron generating portion of said electron source, so that a magnetic field is superposed with an electric field formed by said electron source at least from the electron generating portion to the anode as a component element of electron accelerating means, so as to produce from said electron source a focused electron beam with reduced electron beam loss amount by focusing the electrons while accelerating the electrons by said anode just after generating them from the electron generating portion"*. Applicants therefore respectfully submit that claim 4 is patentable over Wilkins.

Rejections under 35 U.S.C. 103

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkins in view of U.S. Pat. No. 6,55,816 to Sawathata; and claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkins in view of U.S. Pat. No. 5,044,001 to Wang. Applicants respectfully disagree.

Claim 3

The above arguments can be used to show that Wilkins does not disclose or suggest an apparatus as recited in claim 3, and in particular having *"a magnetic superposition lens wherein a magnetic field generating portion is disposed in the vicinity of the electron generating portion of said electron source, so that a magnetic field is superposed with an electric field formed by said electron source at least from the electron generating portion to the anode as a component element of electron accelerating means, so as to produce from said electron source a focused electron beam with reduced electron beam loss amount by focusing the electrons while accelerating the electrons by said anode just after generating them from the electron generating portion"*. Further, Applicants submit that the Examiner has failed to show that Sawahata discloses or suggests an apparatus having the above-recited feature, and has therefore failed to show that a combination of Wilkins and Sawahata would have led one of ordinary skill in the art to an apparatus as recited in claim 3. Accordingly, Applicants respectfully submit that claim 3 is patentable over Wilkins in view of Sawahata.

Claim 5

The above arguments can be used to show that Wilkins does not disclose or suggest an apparatus as recited in claim 5, and in particular having *"a magnetic superposition lens wherein a magnetic field generating portion is disposed in the vicinity of the electron generating portion of said electron source, so that a magnetic field is superposed with an electric field formed by said electron source at least from the electron generating portion to the anode as a component element of electron accelerating means, so as to produce from said electron source a focused electron beam with reduced electron beam loss amount by focusing the electrons while accelerating the electrons by said anode just after generating them from the electron generating portion"*. Further, Applicants submit that the Examiner has failed to show that Wang discloses or suggests an apparatus having the above-recited feature, and has therefore failed to show that a combination of Wilkins and Wang would have led one of ordinary skill in the art to an apparatus as recited in claim 5. Accordingly, Applicants respectfully submit that claim 5 is patentable over Wilkins in view of Wang.

New Claims

New claims 7, 8, 9 and 10 respectively depend on claims 2, 3, 4 and 5. Applicants submit that at least in view of their dependency, new claims 7, 8, 9 and 10 are patentable over the cited references.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on


November 9, 2005
(Date of Transmission)

Shannon Tinsley
(Name of Person Transmitting)

S Tinsley
(Signature)

11/9/05
(Date)

Respectfully submitted,


Richard P. Berg
Attorney for the Applicant
Reg. No. 28,145
LADAS & PARRY
5670 Wilshire Boulevard,
Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile

Attachments: Replacement sheets 1/8; 3/8; 6/8 of the drawings showing amended Figs. 1, 3, 6.

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